

# PAUL HASTINGS

March 28, 2024

**VIA ECF**

Hon. Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Courtroom 23A  
New York, NY 10007

Re: United States v. Menendez et al., No. S4 23 Cr. 490 (SHS)

Dear Judge Stein:

We write to advise the Court that Senator Menendez has elected not to exercise his right to file an interlocutory appeal of this Court's Order denying his Motion to Dismiss on Speech and Debate Clause and separation of powers grounds (ECF No. 252). The Senator's decision is principally motivated by his desire to proceed to trial and establish his innocence without further delay. This decision is not intended to, and should not be deemed to, waive any substantive right or argument the Senator has to object to the admission of evidence at trial in violation of his Speech and Debate rights. The Senator reserves all rights to seek appellate review of any and all appealable orders, including the Order referenced above, should it be necessary after the conclusion of trial.

Respectfully,

/s/ Adam Fee

Adam Fee  
Avi Weitzman

*Attorneys for Defendant Robert Menendez*